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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,999	02/26/2002	H. Fred Campbell	2696.3003.001	4280

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EXAMINER

MCDERMOTT, KEVIN

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

10/082,999

Applicant(s)

CAMPBELL, H. FRED

Examin r

McDermott, Kevin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourne in view of Paquette and further in view of Macklin.

Bourne discloses in figure 7 and in column 3, lines 41-52, a reservoir 24 defined by a waterproof membrane 22 and edges 30 for containing a liquid, preferably water, to a depth of preferably 3.5 inches. The waterproof membrane 22 extends from edge to edge and seals the roof deck to prevent leakage of water into the structure. The waterproof membrane 22 is a generally flat, horizontal, upwardly facing surface surrounded by a border frame. The edge 30 is the claimed border frame. Column 4, lines 38-40 disclose the liquid being cooled by evaporation.

However, Bourne does not disclose a plurality of spaced apart footings, a column disposed on each of the footings, a column support for each of the columns, and supporting a roof on the columns.

Paquette discloses in figure 1 and in column 2, lines 32-45, a parking structure 10 having an upper deck comprised of a plurality of pre-assembled modular deck panels 12-28 which are mounted in-situ onto a steel framework 30 that is erected at the desired parking location.

Prior to erection of the framework, concrete footings 32 are buried in the ground at the locations of respective vertical columns 34-40. Each concrete footing can be a 2'X2' cube with a pre-embedded top steel plate. Each column comprises a steel pipe, preferably 3-1/2" diameter, that is mounted upright with its lower end secured to the top plate of each footing by suitable means such as bolts.

The upper deck is the claimed roof because it functions as a roof for the lower floor of the garage, and the footings and columns are the claimed plurality of spaced apart footings and associated columns.

Macklin discloses in figure 1 and in column 2, lines 23-40, an interior column 10 connected to a slab 12 by means of anchor bolt assemblies 14. The column 10 has conventional base plate 16 attached to the bottom thereof with flanges 18 extending to the sides of the column 10. Bores are provided in the flanges 18 for receiving the anchor bolt assemblies 14 therethrough. The anchor bolt assemblies 14 each comprises an L-shaped anchor bolt 20 having threads on one end thereof with upper and lower lock nuts 22 engaging the threads.

The column 10 is attached to the slab 12 by inserting the bores in plate 16 over the ends of the bolts 20 to abut lower lock nuts 22 and thereafter, threading upper lock nuts 22 on top of the plate. The lower and upper lock nuts 22 can then be adjusted to level and position the column 10 as desired.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to support the roof of Bourne using a plurality of columns

disposed on a plurality of respective footings and to use a column support to support the columns.

One of ordinary skill would be motivated to make such a modification so that the structure of Bourne can be easily and rapidly erected.

Regarding claim 16, the base plate 16 of Macklin is the claimed leveling plate, the anchor bolts 20 are the claimed plurality of bolts having lower portions embedded in and upper portions projecting above the footing concrete surface, and the lower and upper lock nuts 22 support the column 10 and clamp the plate 16 down on the lower lock nuts, respectively.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourne in view of Paquette and Macklin and further in view of Munoz.

The disclosures of Bourne, Paquette and Macklin are discussed above. However, neither of these references disclose a sub-floor and a finished floor.

Munoz discloses in figures 4C-4E a horizontal subgrade with a base course disposed thereon, and the concrete disposed on the base course. The subgrade is the claimed sub-floor and the concrete forms the claimed finished floor and is also disposed over the subgrade. The subgrade could be adapted to receive weather-protected building and support materials and mobile equipment useful in the year-around construction of the building structure.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure of Bourne to include a sub-floor and a finished floor.

One of ordinary skill would be motivated to make such a modification so that the structure of Bourne could provide additional safe and useful space.

Regarding claim 18, none of the references discussed above discloses a marginal edge portion of the sub-floor slopes downwardly in a direction away from the building.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to slope the marginal edge portions of the sub-floor downwardly and away from the building to prevent rainwater from inundating the construction staging area during construction.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 11 and 16-18 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

KM 7/15/03